

No better time to buy real estate than now. Prices are increasing daily.

#### VIRGINIA AVENUE

Eight rooms, bath and pantry. Close to business center of the city. Handy to car lines, school and churches. A good home at a reasonable price.

PRICE \$4,500

1-2 cash, balance 1 and 2 years.

#### STEALEY HEIGHTS

2 vacant lots, corner Duncan avenue and Hart street, each lot 40x120 feet.

PRICE \$1,400

Reasonable terms.

#### WOODLAND AVE.

Four room cottage on lot 40x120 feet, alley in rear.

PRICE \$1,600

\$500 cash, balance \$200 a year.

#### COLONIAL HEIGHTS

Close in, fine neighborhood; low priced lots inside the corporate limits. All lots 40x120 feet or more.

PRICE \$650 TO \$750

Only a few lots left. Buy today.

#### WEST MAIN STREET

Six four room flats, which bring a monthly rent of \$80.00. Good location, values sure to increase, property always rented.

Nothing better offered in the way of an investment; will pay almost 14 per cent. For terms see me.

#### EAST MAIN STREET

Vacant lot 38x106 feet; cement walks, water, sewerage and gas. Inside corporation.

PRICE \$1,350

\$350 cash, balance 1, 2, 3 and 4 years. Buy this lot and we will help you get the money with which to build a house.

## Howard Post

REAL ESTATE BROKER AND GENERAL INSURANCE AGENT. Rooms 505-506, Goff Bldg.

## Everybody Admires

our beautiful style in Dresses and you will too when you see them. They are going fast. Perhaps you will miss the style you want later on.

48c House Dresses for Ladies, tomorrow all day only 48c

Ladies' \$5.00 Trimmed Hats

\$1.98

10c Chambray

4 1/2 c

Table, Oil Cloth, 4-4, at All shades, worth 20c-25c 12 1/2 c

Embroidery, worth up to 25c, special 10c

More Bargains than you can imagine. COME TO BROWN'S

**Brown's**

339 W. Main St.

Forty-five whales, yielding products valued at \$620,000, were killed during the first week of the 1913 whaling season in the North Pacific.

Liverpool street cars last year carried 144,885,927 passengers.

#### NOTICE

TO WHOM IT MAY CONCERN: This is to notify the public that I will not be responsible for any debts contracted by my wife, Rosie E. Kirkpatrick, GUY KIRKPATRICK, Adamston, W. Va., June 1, 1914.

## UNION TRANSFER CO.

We Haul Everything BELL PHONE 494-L Next to Heinze's Pressing Shop

# PEOPLE ARE COMMANDED TO OBSERVE SUNDAY LAWS

## SLOT MACHINE GAMBLING

As Well as Other Forms Is Instructed Against by Judge James W. Robinson.

Through the Grand Jury It is Sought to Put the Lid on Tight.

Special attention to the Sunday observance laws was given by Judge James W. Robinson in the course of his charge to the grand jury of the regular June term of the criminal court, which began Tuesday morning. The grand jury was organized with Perry C. Williams as foreman and the following additional members: John C. Johnson, Marion Cunningham, O. T. Davis, Charles S. Elliott, D. H. Gattrop, O. E. Heldreth, William Hawker, C. L. Hess, J. L. Jenkins, William C. Hickman, Samuel I. Ritter, Francis M. Robinson, P. Clyde Sturm, W. E. Tietrick and Amos Payne.

After instructing the jurors as to their duties and explaining the general law and procedure that would likely come within the purview of the jury's work, Judge Robinson said:

I desire to call your attention especially to certain forms of gambling which I failed to call your attention to while dealing orally with that subject.

It is rumored that slot machines are kept and exhibited in certain business places in this county. It is said that some of the machines so kept and exhibited are not such as come within the definition of a gambling device such as is forbidden by the statute, while on the other hand some of the slot machines so kept and exhibited are said to be gambling devices within the meaning of the statute. It is stated that some of the slot machines, when played upon, pay checks to the winner, which checks are payable in merchandise at the place where the machine is kept and exhibited.

As a matter of law, it matters not whether the machine, when played, pays money or checks redeemable in merchandise, if the chances of winning are unequal and in favor of the keeper and exhibitor, all other things being equal, such a slot machine is a gambling device of like kind to an A-B-C or E-O table, faro bank or keno table, and is punishable by confinement in the county jail of not less than two nor more than twelve months, and a fine of not less than \$100.00 or more than \$1,000.00.

It is said that the keepers and exhibitors are licensed by the state to keep and exhibit such slot machines. According to an opinion of former Attorney General, William G. Conley, to be found on page 4 of the Attorney General's Biennial Report for the years 1910-12 will be found the following opinion:

"I do not understand that the Deputy Tax Commissioner, when he collected a license tax on a slot machine, has the power to permit them to run, if they are gambling devices and are under the prohibition of the law. The Deputy Tax Commissioner, finding a machine in operation, does not decide the question of fact whether it is a gambling device or not; but finding it in operation, presumes that it is operated lawfully and therefore is entitled to pay a license tax. My recollection of reading the statute is to the effect that a license to operate such a machine is no protection to a criminal prosecution if it should be determined that the machines are gambling devices. Therefore, the Deputy Tax Commissioner, by collecting the license tax does not give the operator permission to operate an unlawful machine, the operator takes the risk, as his license is no protection to him from a criminal prosecution."

Raffles and lotteries are other species of gambling. The statute relating to raffles and lotteries makes it unlawful for any person to set up or promote, or be concerned in managing or drawing a lottery or raffle, for money, or other thing of value, or knowingly permit any such lottery or raffle to be held in any house under his control, or knowingly permit money or other property to be raffled for in such house, or to be won therein, by throwing or using dice, or by any other game of chance, or knowingly

## Don't Become a Slave to Pills

Pills and tablets become a habit and soon lose effect.

**Kellogg's Tasteless Castor Oil**

is the pure oil

from castor beans grown in India. It is good for you. It heals, cleanses, and lubricates the bowels.

All the bad taste and odor are gone, making it easy to take.

A small dose occasionally will keep you feeling fine. Always have Kellogg's Tasteless Castor Oil on hand. A small bottle will last a long time.

Kellogg's Tasteless is the very best cathartic for the delicate organs of children. Do not risk harsh mineral salts. Kellogg's is safe, and now that it is tasteless, the children will not object to taking it. 25c and 50c bottles. Never sold in bulk.

H. F. Burke, Weiss-Haymaker Co., Stone & Mercer, Charles R. Harrison and other good druggists

You should try Candy's HOME MADE Frankfort, Polish, Pure Pork Knockwurst and Bologna Sausage. Also Mince, New England and Berlin Ham. All Made from the best meats in a Sanitary Way. Opposite Goff Building.

permit the sale in such house of any chance, or ticket in, or share of a ticket in a lottery, or any writing, certificate, bill, token or other device purporting or intending to guarantee or assure to any person, or entitle him to a prize, or share of, or interest in a prize to be drawn in a lottery etc. Any one offending against this statute, upon conviction, shall be confined in jail not more than one year, and fined not less than \$500.00.

Another species of gambling is the keeping of a pool room. By "pool room" is meant any room where any pool ticket, chance, voucher or certificate entitling or purporting to entitle the holder or promisee thereof, or any other person to money or other thing of value, contingent upon the results of any horse race, prize fight, game of chance, game of skill or science or other sport or contest, the information of which result is obtained by telegraph, telephone, wireless telegraphy, or other electrical device. The statute also makes it an offense for any of the above enumerated message bearing concerns to furnish or transmit information concerning the results of any event mentioned on the statutes. Any person found guilty of violating any of the provisions of the statute shall be fined not less than \$200 or more than \$1,000, and may be imprisoned not to exceed two years.

I desire to call your attention also to the statutes relating to Sunday observance. Much complaint is being made in respect to Sunday violations. The complaints have been made from the pulpit, petitions directed to the officers of this court by Sunday schools and other religious organizations; from many citizens of certain communities and from numerous individual complaints made in person. Some of the complaints are of a religious nature; other complaints are to the effect that the Sunday repose and religious liberty of the entire community is being disturbed; while other complaints are to the effect that the petitioner obeys the law by closing his store or shop on Sunday while his next door competitor runs his business on Sunday the same as on other days of the week.

In view of the numerous complaints as to violations and the apparent misunderstanding and misconception of the general statute relating to Sunday observance I feel it my duty to instruct your particularly and at some length on the same. Sunday observance was at first a religious regulation, but in the United States where no particular religion church can be opposed or supported by law, Sunday observance, under the law, is viewed purely in a secular light, and is not a religious regulation.

Chief Justice Fuller in the case of Pitt vs. Minnesota, 177 U. S. 164, in which a similar Sunday observance statute was being considered, said: "Its requirements are a cessation from labor. In its enactment the legislature has given the sanction of law to a rule of conduct, which the entire civilized world recognizes as essential to the physical and moral well-being of society. Upon no subject is there such a concurrence of opinion, among philosophers, moralists and statesmen of all nations, as on the necessity of periodical cessation from labor. One day in seven is the rule, founded on experience, and sustained by science. The prohibition of secular business on Sunday is advocated on the ground that by it the general welfare is advanced, labor protected, and the moral and physical well-being of society promoted."

The earliest regulations we find touching Sunday, as a civil institution, was an edict of Constantine, A. D. 321, which declared that "on the venerable day of the Sun, let the magistrates and people residing in cities rest, and let all work shops be closed," but under this edict the farmers were left free to cultivate their fields and harvest their crops on the Sabbath day.

Sunday observance was recognized and required by the rulers of England for some time prior to the coming of William the Conqueror, and by statute 29 Charles II. ch. 7, it was enacted:

"That no tradesman, artificer, workman, laborer or other person whatever shall do or exercise any worldly labor, business or work of their ordinary calling upon the Lord's Day, or any part thereof, work of necessity and charity excepted."

The statute was a part of the recognized law of Colonial America, and in one form or another has been copied into the laws of every state in the union. The statute of West Virginia, with a few modifications was copied from the Virginia code.

Section 16 of chapter 149 of the code reads as follows: "If any person on a Sabbath day be found laboring at any trade or calling, or employ his minor children, apprentices, except in household or other work of necessity or charity, he shall be fined not less than five dollars for each offense. And every day such minor child, or servant, or apprentice is so employed, shall constitute a distinct offense, and any person found hunting, fishing or carrying firearms on the Sabbath day shall be guilty of a misdemeanor and fined not less than five dollars."

And section 17 of the same chapter provides that no liability shall be incurred for the mail, or for passengers and their baggage, or for running any railroad train or steamboat, or for carrying firearms, or shooting on that day by any persons having the right to do so under the laws of the United States or of this state, or by any person who conscientiously believes that the seventh day of the week ought to be observed as a Sabbath and actually refrains from secular labor on that day.

It will be observed that section 16 makes laboring at any trade or calling on the Sabbath day an offense except "household or other work of necessity and charity," subject, however, to the provisions contained in said section 17. The exception "household work" means that it is lawful to do any household work on the Sabbath day

that can lawfully be done on any other day of the week.

A work of charity includes everything which proceeds from a sense of moral duty, or feeling of kindness and humanity, and is intended wholly for the purpose of the relief or comfort of another, "and not for one's own benefit or pleasure." Dyce v. Lyn & Co. R. Co. (Mass. 19 Am. Rep. 431)

The business of church and religious societies is universally held to be a work of charity, as is also the work of charitable and benevolent societies.

Just what is a work of "necessity" within the meaning of the statute is a matter about which courts differ to a great extent. It is generally held that the word "necessity" should be construed liberally and not too literally.

The word "necessity" as used in the statute means more than physical necessity, it is not an absolute, unavoidable physical necessity that is meant, but, rather a moral and economic necessity. Generally speaking it must be an unforeseen necessity, or if unforeseen, such as could not reasonably have been provided against by exercising reasonable diligence.

The courts are virtually unanimous in holding that keeping a hotel, eating house, boarding house, restaurants, hospitals, burying the dead, furnishing drugs to the sick, furnishing heat, light and water to consumers, keeping up the fires in blast furnaces, are works of necessity within the meaning of the statute. It has also been held that furnishing fresh milk to consumers on Sunday is a necessity for the reason that the milk could not be produced fresh prior to that day. It has also been held almost universally that labor performed to save property from destruction or actual danger from fire or flood, and to avoid irreparable injury, no matter whether it be upon the farm or in the city, is a work of necessity.

The supreme court of appeals of this state has held in the case of State vs. McBee, 52 W. Va., 257 that "all work under the statute is supposed to stand still on Sunday, or on the Sabbath day, and it is only in case of actual loss or injury by reason of such delays that it becomes a necessity."

While all the courts appear to be unanimous in holding that under certain circumstances the merchant or shop keeper may open his store and sell goods to one who, as a matter of necessity, can not do without them, but the courts are virtually unanimous in holding that no man can open his store or shop and sell his wares to every person who may desire to make purchases, regardless as to whether the purchases are absolutely necessary to the purchaser, or regardless as to whether the purchaser could have secured the same articles on a previous day.

The mere fact that a merchant or shop keeper feels, in his own mind, that his wares are convenient and desirable to the public on Sunday, is no reason why he should be permitted to keep open while his competitors selling the same, or a part of the same wares are compelled to close. To insist upon such an arrangement would be to create an odious and intolerable monopoly in favor of the law breaker which should condemn the interpretation of the law which leads to it.

It may be urged by some that habit may create a necessity. In the case of the State vs. Muller, (Ind.) 40 Am. Rep. 245 in which the court overruled a former decision which upheld the sale of a cigar as a necessity, held:

"It is hardly probable that the law-makers contemplated that the craving of a morbid and unnatural appetite should be deemed to create such an imperative necessity for appeasement as that the general requirements for Sunday observance should yield to it, while the supplying of the ordinary necessities of life, like food and clothing, by purchase and sale out of the stores, should be forbidden. If it can be said by the court that a cigar is necessary to the smoker, it is no less certainly known that a drink is in the same sense, needful to the drinker."

The present law forbids the sale of intoxicants on Sunday, and he who would use them must therefore anticipate the necessity and supply for Sunday wants. The same rule with slight inconsequence could be followed by the smoker.

This illustration can be correctly applied to most all instances where a merchant or shop keeper tries to justify himself in keeping his place open on Sunday to supply the cravings of habit and that which is desirable but not necessary within the meaning of the statute and thus reap a handsome financial reward by following his usual trade or calling on the Sabbath day.

Sunday baseball has frequently been held to be a business and not a work of necessity or charity when played by professional players belonging to a league of baseball clubs, and when admission is charged for the admittance to the game. The playing of a game of baseball is not per se, a violation of the statute, but, in my opinion, it may become so by accompanying circumstances. It becomes a violation of the law when accompanied by the assembling of a large crowd with loud noise which disturbs the repose and religious liberty of the community, and may be punished as a nuisance.

Whenever a game of baseball is played by salaried professional players managed by a league of baseball clubs, and an admission fee is charged to the game, it becomes a business rather than a sport. Southern Ass'n. v. Day 125 N. Y. Eupp. 733.

It will be observed that section 16 makes laboring at any trade or calling on the Sabbath day an offense except "household or other work of necessity and charity," subject, however, to the provisions contained in said section 17.

The exception "household work" means that it is lawful to do any household work on the Sabbath day

It is promoted and maintained by the owners as a money making business undertaking just as any other business undertaking is promoted and maintained. The professional ball player plays ball because it is his trade or calling and because he can make more money by that means than he can at any other trade or calling. The ball, bat and mitt are just as much the implements of labor of the professional baseball player as is the saw and hatchet, the pick and shovel implements of labor of the carpenter or coal miner. In my opinion, the professional baseball player who uses his implements of labor on the Sabbath day is just as guilty of violating the statute as the carpenter or coal miner would be were they to engage in their respective trades on that day.

The playing of a private game of baseball on Sunday is not a violation of the law, provided, it is conducted in such a manner as not to cause a nuisance. Sunday amusements and sports of a private nature which do not disturb the repose and religious liberty of the community, are not violations of the law, and with the exception of hunting, fishing and carrying firearms, private sports and amusements may be indulged in without let or hindrance.

The statute prohibiting laboring at any trade or calling on the Sabbath day may be old, antiquated and out of date. It may not provide the restriction as to certain acts that may be desired by some, and it may limit desired liberties of others. With such complaints this court has no concern. Courts are not guided by public opinion in the interpretation of statutes. Courts are not vested with legislative functions that will authorize the expansion of an ancient statute to include offenses not contemplated by the legislators at the time of its passage, neither have they authority to exclude from the operation of the statute offenses which a fair interpretation and the law of precedent will not justify.

If public opinion is displeased in any respect with the present general statute relating to Sunday observance the only source of legitimate relief is the state legislature whose duty it is to enact laws for the government of the people of the state.

If you should find that any of the laws relating to Sunday observance has been violated it will be your duty to return indictments against those who have violated the same.

If you find that professional baseball has been played in the county on the Sabbath day it will be your duty to return indictments against all persons who were engaged in the management or control of the same no matter whether they be players, manager, referee, gate keeper or ticket seller.

## REFUGEES

To the Number of 270 Arrive in the City of Tampico on the Hancock.

(BY ASSOCIATED PRESS)

TAMPICO, via Brownsville, Tex., June 3.—The United States transport, Hancock, has arrived with 270 refugees, who were transferred outside the port to the collier, Lebanon, and then landed in this city. Most of them were men interested in the oil industry and seeking to resume their occupations.

The oil operators generally are reluctant to recommence their activities on account of the difficulty surrounding the general situation in Mexico, especially during the conference of the mediators at Niagara Falls.

The acute scarcity of currency is gravely affecting all business interests here. It is impossible to obtain sufficient bills either national or Constitutionists, for payment of employees and there is practically no small change in circulation. Owing to the small number of bills in the city, the exchange for American currency has been reduced to only two pesos for one American dollar.

## FINES IMPOSED

On German Steamers for Landing Arms to Be Subject of Representations.

(BY ASSOCIATED PRESS)

HAMBURG, Germany, June 3.—The fine imposed on the steamers, Ypiranga and Bavaria, by the American officials at Vera Cruz will be made the

## A natural feeling, does it "get you?"

Have you walked into a clothing store, spending 15 to 20 minutes trying to find what you wanted—not finding a particular suit, felt as though you were taking up too much time, and have this feeling begin to worry you?

This feeling won't "get you" when you are in our store. Take as much time as you need, and do it; feeling that you are welcome.

You will always find our salesmen ready to assist you courteously, and they'll gladly go out of their way to please you. Our line of Clothcraft all-wool suits is large and complete—real-value—priced \$10 to \$20. It will be a pleasure for you to examine these clothes.

## DONOHUE & JOHNSON

"The Style Store"

324-326 MAIN STREET

subject of representations to Washington, it was said at the office of the Hamburg American line here. The steamship company assumes that a satisfactory settlement soon will be reached as it regards the fines purely a customs house question devoid of political significance.

## The Fence Post Everlasting



Ask the Alpha Dealer 4 Sacks of ALPHA Make 14 Fence Posts

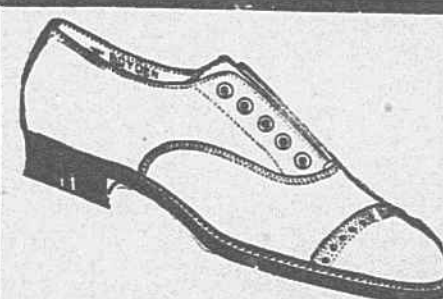
Good seven-foot posts that will never decay and will not split, crack or break. Concrete posts save room, look better than wood, and add more than their cost to the value of your property. It is easy to make them. All you need is a supply of sand, gravel and

**ALPHA PORTLAND CEMENT**

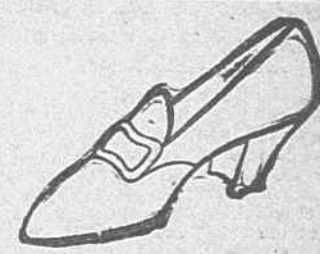
the kind that is always satisfactory. Our customers for miles around always ask for ALPHA, because they know that ALPHA has greater binding-power than ordinary Portland cements. Every ounce is pure, live and active, thoroughly burned, finely ground and properly aged.

Use one sack of ALPHA, and you will keep on using it. We guarantee it to more than meet the U. S. Government standard for strength. Work done with ALPHA is everlasting.

G. M. WEST, CLARKSBURG, W. VA. BOTH PHONES



Everybody Likes Our Footwear



## Colonials

A new lot just arrived from the East. More chastly modeled than ever. They are Beauties in the sparkling patent leather or the dignified dull leather, adorned with

various sorts of charming buckles. It will be hard indeed to select the handsomest. Yes, everybody likes our Men's Shoes. The men who wear them and the people who see them. The smart, flat, receding toe and low heel in English style, that is such a great favorite just now.

## CHILDREN'S SHOES

We did not forget the little ones. We have all that's new and pretty for them in leathers and sizes from kindergarten to high school.

## ALL WOMEN'S WHITE SHOES AND SLIPPERS

REDUCED \$3 and \$3.50 kind \$1.90 \$4 and \$5.00 kind \$2.40

## WE ARE CLARKSBURG'S ONLY AGENTS for the OFFICIAL BOY SCOUT SHOES

All colors. (The medal attached.) 9 to 13 1/2 \$2.00 1 to 6 \$2.50

## THE OSBURN SHOE CO.

QUALITY SHOES--BEST BY TEST

309 West Pike St

Next to Odeon Theatre

**RAISE EVERY CHICK ON "HEN-E-TA-HEN-O-LA" The Phosphatic-System!**

The more phosphorus in the egg-shell, the greater the fertility, the better the hatch and the better the chick. The Hen-E-Ta-Hen-O-La System eliminates all bawling, reduces mortality to a minimum; grows and develops the chick faster and cheaper into strong, rugged, healthy "egg-producing" birds. Ask your dealer or write us for free booklet, entitled "The Successful Way to Grow Little Chicks."

HORNOR-GAYLORD CO. Clarksburg, W. Va.

Kill the bed bugs! Use Green Death liberally and the job is done. No stains, no lasting odor and a sure kill. 25c for pint squirt top can, any reliable drug store.